

STATE OF INDIANA )  
 )  
COUNTY OF LAGRANGE )

IN THE LAGRANGE CIRCUIT COURT  
SS:  
CAUSE NO. 44C01-0012-CP-126

STATE OF INDIANA,  
  
Plaintiff,  
  
v.  
  
LLOYD HOCHSTETLER,  
  
Defendant.

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**FILED**

**JUL 26 2001**

JUNE A. PRILL, CLERK  
LAGRANGE CIRCUIT COURT

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, respectfully moves the Court pursuant to Trial Rule 55 of the Indiana Rules of Procedure for a default judgment in this action in favor of the State of Indiana and against Defendant, Lloyd Hochstetler, and in support of its motion states:

1. Plaintiff's Complaint for Restitution, Costs and Penalties was filed on December 18, 2000.
2. Defendant was duly served with a copy of the Complaint and Summons by the LaGrange County Sheriff on January 5, 2001.
3. Plaintiff's Amended Complaint was filed on May 4, 2001.
4. More than twenty (20) days have passed since service of process on Defendant.
5. Defendant has failed to appear, answer, or otherwise defend Plaintiff's complaint, nor have any further proceedings been taken by Defendant.

6. Defendant is not in the military service, an infant, or incompetent, as shown by the Affidavit of Non-Military Service attached and incorporated by reference as Exhibit "A."

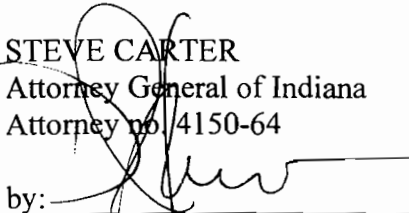
7. Plaintiff has expended 4.7 hours in the investigation and prosecution of this cause of action, as shown by the Affidavit of David A. Paetzmann attached and incorporated by reference as Exhibit "B."

WHEREFORE, Plaintiff, State of Indiana, requests the Court enter a default judgment in favor of Plaintiff and against the Defendant, Lloyd Hochstetler, as follows:

1. A permanent injunction enjoining Defendant from promoting a pyramid promotional scheme as defined by Indiana Code 24-5-0.5-2(a)(8) and (9);
2. Consumer restitution pursuant to Indiana Code 24-5-0.5-4(c)(2), for Ray Byler of Shipshewana, Indiana, in the amount of two thousand dollars (\$2,000.00);
3. Costs pursuant to Ind. Code 24-5-0.5-4(g), payable to the Office of the Attorney General in the amount of seven hundred five dollars (\$705.00);
4. Civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for Defendant's knowing violations of the Deceptive Consumer Sales Act, in the amount of five hundred dollars per violation, for a total of one thousand dollars (\$1,000.00);
5. All other just and proper relief.

Respectfully submitted,

STEVE CARTER  
Attorney General of Indiana  
Attorney no. 4150-64

by:   
David A. Paetzmann  
Deputy Attorney General  
Attorney no. 6392-23

Office of the Attorney General  
Indiana Government Center South, 5th floor  
402 W. Washington Street  
Indianapolis, IN 46204  
(317) 232-3442

DAP/I8124

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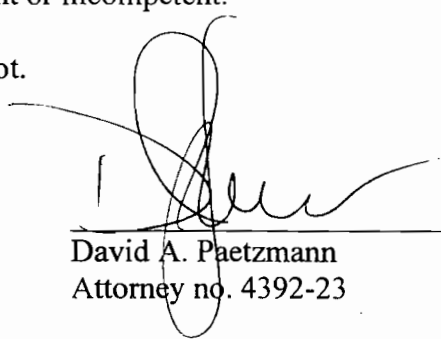
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**AFFIDAVIT OF NON-MILITARY SERVICE**

David A. Paetzmann, being first duly sworn upon his oath, states as follows:

1. He is the attorney for the Plaintiff in the above captioned cause of action.
2. Defendant Lloyd Hochstetler is not now and was not at the time of the filing of this action engaged in any branch of the military or naval service of the United States, nor is Lloyd Hochstetler an infant or incompetent.
3. Further Affiant sayeth not.

  
\_\_\_\_\_  
David A. Paetzmann  
Attorney no. 4392-23

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1/2/01	telephone conversation with Ray Byler regarding transaction	.3
3/9/01	telephone conversation with Barbara Fry regarding refund	.1
5/3/01	draft Amended Complaint, Notice, and filing letter	.4
5/3/01	telephone conversation with Attorney Fred Hartz re representation of Defendant	.1
5/3/01	place telephone call to Lloyd Hochstetler	.1
5/3/01	telephone conversation with Ray Byler	.1
7/24/01	Draft, review Motion for Default, fee and non-military service affidavits, and proposed Default Judgment	1.6

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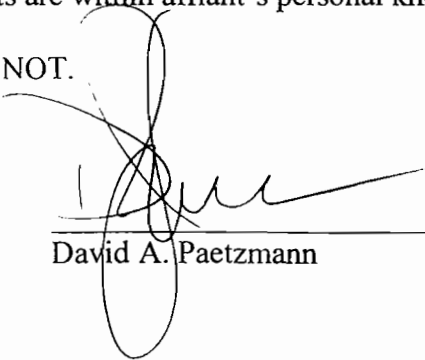
total hours 4.7

4. The Plaintiff is entitled to an award of costs incurred in the investigation and prosecution of this action pursuant to Indiana Code 24-5-0.5-4(g).

5. Affiant has been engaged in the practice of law for approximately nineteen years, and a reasonable attorney fee for the work affiant has performed during the investigation and prosecution of this action is one hundred fifty dollars (\$150.00) per hour.

6. All of the above statements are within affiant's personal knowledge.

FURTHER AFFIANT SAYETH NOT.




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David A. Paetzmann

STATE OF INDIANA       )  
                                      )  
COUNTY OF MARION     )       SS:

SUBSCRIBED AND SWORN to before me a Notary Public, in and for said  
County and State, this 25<sup>th</sup> day of July, 2001.

Denise C. Maheling  
Notary Public  
Printed: Denise C. Maheling

My commission expires:

March 6, 2009

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